

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

JONATHAN FREDERICK BENNETT,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:13-cv-128
(JUDGE GROH)**

**ROBERT E. BARRAT;
PAMELA JEAN GAMES-NEELY;
B.W. BEAN; J.D. SCHUESSLER; and
TIFFANY COBIN,**

Defendants.

ORDER ADOPTING OPINION/REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation (“R&R”) of United States Magistrate Judge Robert W. Trumble. ECF 42. Pursuant to this Court’s Local Rules, this action was referred to Magistrate Judge Trumble for submission of an R&R.

The Plaintiff brought this action as two separate cases. On September 26, 2013, the Court consolidated the cases with Civil Action Number 3:14-cv-128 as the lead case. After the Plaintiff was granted leave to proceed *in forma pauperis*, Magistrate Judge Trumble reviewed the complaint pursuant to 28 U.S.C. § 1915(e) and filed his R&R on August 19, 2014. In the R&R, he recommends that this Court dismiss the complaint with prejudice pursuant to § 1915(e)(2)(B)(i) because it is frivolous.

Pursuant to 28 U.S.C. § 636(b)(1)(c), this Court must make a *de novo* review of those portions of the magistrate judge’s findings to which objection is made. However, the

Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Plaintiff's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984). Objections to Magistrate Judge Trumble's R&R were due within fourteen days of being served with a copy of the same. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The docket reflects that the Plaintiff accepted service by August 27, 2014 [ECF 43]. The Plaintiff has not filed objections to the R&R. Accordingly, this Court will review the R&R for clear error.

Upon careful review of the record, it is the opinion of this Court that the magistrate judge's Report and Recommendation should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated therein. Accordingly, the Plaintiff's complaint is hereby **DISMISSED WITH PREJUDICE**.

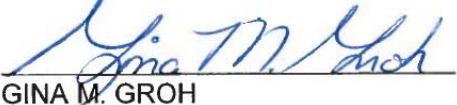
The Court **DIRECTS** the Clerk to enter judgment in favor the Defendants.

The Court further **DIRECTS** the Clerk that this case and Civil Action Number 3:13-cv-131 be closed and stricken from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record and *pro se* parties.

DATED: September 16, 2014



GINA M. GROH
UNITED STATES DISTRICT JUDGE